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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,595	05/11/2005	Frank Stengrimsen	RR-582 PCT/US	7159
20427	7590	01/27/2009		
RODMAN RODMAN 10 STEWART PLACE SUITE 2CE WHITE PLAINS, NY 10603			EXAMINER HUSON, MONICA ANNE	
			ART UNIT	PAPER NUMBER
			1791	
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			01/27/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,595

Applicant(s)

STENGRIMSEN ET AL

Examiner

MONICA A. HUSON

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to the Amendment filed 22 October 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-6 and 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al. (U.S. Patent 6,063,321), Theodorsen (U.S. Patent 3,999,736), and Nomura et al. (U.S. Patent 6,099,949). Regarding Claims 17, 2-4, and 6, Koyama et al., hereafter "Koyama," show that it is known to carry out a method for manufacturing panel bodies of plastic material in a mold having a mold cavity (Abstract) comprising providing a mold with a mold cavity (Figure 7), prior to injecting plastic material into the mold cavity, placing one or more bars in the recessed portions of the cavity (Figure 7, element 5) and moving and supporting the bars with respective pushers that project up through the respective bottoms of the recessed portions into the mold cavity (Figure 7, element 2, 3), injecting a plastic material with a drive means into the mold cavity and surrounding the supported bars in the mold cavity (Figure 8), after injection of the plastic material to fill the cavity, withdrawing the pushers from the material (Figures 9-10). Koyama does not show injecting an expandable plastic material. Theodorsen, cited by Koyama, shows that it is known to inject an expandable resin into a mold containing a preform (Abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Theodorsen's expandable resin during Koyama's molding process in order to form a flexible casing around the preform.

Koyama does not show expanding the mold volume. Nomura et al., hereafter "Nomura" show that it is known to carry out a method including injecting an expandable polypropylene into a mold, and after injecting has filled the first volume, expanding the mold cavity to a second larger volume to accommodate expansion of the plastic material into the enlarged space of the second volume (Abstract; Column 5, lines 64-67; Column 7, lines 30-33). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Nomura's expandable mold during Koyama's molding process in order to form an article with excellent appearance to a laminated molding.

Regarding Claims 5 and 14, Koyama shows the process as claimed as discussed in the rejection of the respective independent claims, however Koyama does not particularly show the claimed volume percentages. However, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (See MPEP 2144.05 (II)(A)). Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Koyama's process and apparatus in order to allow for proper expansion of the product that is desired by the consumer.

Regarding Claims 18, and 8-13, Koyama shows that it is known to have an apparatus for manufacturing molded plastic bodies, including a mold cavity and at least one movable pusher rod (Figures 7-10). Koyama does not show injecting an expandable plastic material. Theodorsen, cited by Koyama, shows that it is known to inject an expandable resin into a mold containing a preform (Abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Theodorsen's expandable resin during Koyama's molding process in order to form a flexible casing around the preform. Koyama does not show expanding the mold volume. Nomura shows that it is known to have an apparatus with means for moving the movable portion of the cavity from a first position to the second position after the first volume of the mold cavity is filled with plastic material (Abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was

made to use Nomura's expandable mold during Koyama's molding process in order to form an article with excellent appearance to a laminated molding.

Regarding Claims 15-16, Koyama shows the process as claimed as discussed in the rejection of the respective independent claims, however he does not the claimed intended use. However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. It is maintained that with cavity modifications for different articles, Koyama's process and apparatus would be able to produce articles such as those claimed.

Response to Arguments

Applicant's arguments with respect to claims 2-6 and 8-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MONICA A. HUSON** whose telephone number is

(571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

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